



Sen. Kwame Raoul

**Filed: 4/19/2016**

09900SB0322sam001

LRB099 02940 MJP 47890 a

1 AMENDMENT TO SENATE BILL 322

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 322 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Interstate Compact for Fair Representation Act.

6 Section 5. Interstate Compact for Fair Representation. The  
7 Governor is hereby authorized to enter into a compact on behalf  
8 of this State with any of the United States legally joining  
9 therein in the form substantially as follows:

10 INTERSTATE COMPACT FOR FAIR REPRESENTATION

11 Article I - Membership.

12 Any State of the United States may become a member of this  
13 Interstate Compact for Fair Representation by enacting this  
14 agreement.

1 Article II - Definitions.

2 In this agreement the following words have the meanings  
3 indicated:

4 (a) "Coalition district" means a district where more  
5 than one group of racial minorities or language minorities  
6 may form a coalition to elect the candidate of the  
7 coalition's choice.

8 (b) "Commission" means the independent congressional  
9 redistricting commission established by the compacting  
10 states under this agreement.

11 (c) "Communities of interest" means a group of people  
12 concentrated in a geographic area, such as a specific  
13 region or neighborhood, who share similar social,  
14 cultural, ethnic, economic, religious, or political  
15 interests and priorities.

16 (d) "Competitive district" means a district that has a  
17 substantially equal partisan balance.

18 (e) "Crossover district" means a district where a  
19 racial minority or language minority constitutes less than  
20 a majority of the voting-age population but where this  
21 minority, at least potentially, is large enough to elect  
22 the candidate of its choice with help from voters who are  
23 members of the majority and who cross over to support the  
24 minority's preferred candidate.

25 (f) "District" means a congressional district.

1           (g) "Influence district" means a district where a  
2 racial minority or language minority can influence the  
3 outcome of an election even if its preferred candidate  
4 cannot be elected.

5           (h) "Language minority" means a class of voters who are  
6 members of a language group receiving protection under the  
7 federal Voting Rights Act.

8           (i) "Member state" means each state that has enacted  
9 this agreement.

10          (j) "Plan" means the congressional redistricting plan  
11 drawn for a member state by the commission under this  
12 agreement.

13          (k) "Racial minority" means a class of voters who are  
14 members of a race or color group receiving protection under  
15 the federal Voting Rights Act.

16 Article III - Independent Congressional Redistricting  
17 Commission.

18          Each member state shall establish an independent  
19 congressional redistricting commission. The members of the  
20 commission shall be appointed no later than February 1 of the  
21 year following a federal decennial census. Each member of the  
22 commission shall serve a 10-year term. The commission shall be  
23 composed as follows:

24           (a) Ten members appointed by the state chair of the  
25 political party with the greatest number of seats in the

1 state legislature;

2 (b) Ten members appointed by the state chair of the  
3 political party with the second greatest number of seats in  
4 the state legislature;

5 (c) The commission must reflect the race and gender  
6 demographics of the state;

7 (d) To the extent practicable, the commission should  
8 represent distinct geographic regions of the state  
9 according to population distribution;

10 (e) To be eligible to become a member of the  
11 commission, an individual may not:

12 (1) hold an elected office;

13 (2) be a candidate for an elected office;

14 (3) be the spouse, parent, or child of an  
15 individual who holds an elected office or is a  
16 candidate for elected office;

17 (4) serve as an officer, an employee, or a paid  
18 consultant of a political party or candidate campaign  
19 for elected office;

20 (5) be a registered lobbyist; or

21 (6) have held elected office or run as a candidate  
22 for elected office at any time during the ten-year  
23 period ending on December 31 preceding the date of  
24 appointment.

25 Article IV - Vacancy.

1           A vacancy in the commission shall be filled in the manner  
2 in which the original appointment was made.

3 Article V - Independent Congressional Redistricting Plan.

4           The commission shall develop a congressional redistricting  
5 plan for the member state. The commission's starting point for  
6 drawing the plan shall be the member state's census tract map  
7 according to the most recent federal decennial census.  
8 Adjustments to the map shall then be made as necessary to  
9 accomplish the goals as set forth below. Each district shall,  
10 in order of priority:

11           (a) Be substantially equal in population.

12           (b) Be consistent with the federal Voting Rights Act  
13 and any other applicable federal or state law.

14           (c) Provide racial minorities and language minorities  
15 with the equal opportunity to participate in the political  
16 process and elect candidates of their choice.

17           (d) Create crossover districts, coalition districts,  
18 or influence districts to provide racial minorities and  
19 language minorities who constitute less than a voting-age  
20 majority of a district with an opportunity to control or  
21 substantially influence the outcome of an election.

22           (e) Be contiguous, except to the extent necessary to  
23 include any area which is surrounded by a body of water.

24           (f) Respect, to the extent practicable, communities of  
25 interest as determined on the basis of census tract or

1 other relevant information.

2 (g) Respect, to the extent practicable, visible  
3 geographic features, city, town, and county boundaries,  
4 and undivided census tracts.

5 (h) Be compact.

6 To the extent practicable, competitive districts should be  
7 favored where to do so would create no significant detriment to  
8 goals (a) through (h).

9 Article VI - Population Count.

10 The population count used for the purpose of creating the  
11 independent congressional redistricting plan shall count  
12 individuals incarcerated in state or federal correctional  
13 facilities, as determined by the federal decennial census, at  
14 their last known residence before incarceration if the  
15 individuals were residents of the member state. The population  
16 count may not include individuals incarcerated in state or  
17 federal correctional facilities who were not residents of the  
18 state before their incarceration.

19 Article VII - Voting.

20 A plan may be adopted by the commission only if:

21 (a) a majority of the full membership of the commission  
22 votes for adoption; and

23 (b) at least two members appointed by the state chair  
24 of the political party with the greatest number of seats in

1 the state legislature, and at least two members appointed  
2 by the state chair of the political party with the second  
3 greatest number of seats in the state legislature, vote for  
4 adoption.

5 Article VIII - Timing.

6 The commission shall adopt a redistricting plan following  
7 each federal decennial census. The commission shall not adopt  
8 any redistricting plan mid-decade before the next federal  
9 decennial census.

10 Article IX - Internet Website.

11 As soon as practicable after establishing the commission,  
12 the member state shall establish and maintain a public Internet  
13 website for the commission which meets all of the following  
14 requirements:

15 (a) The site is updated continuously to provide advance  
16 notice of commission hearings and to otherwise provide  
17 timely information on the activities of the commission.

18 (b) The site contains the most recent available  
19 information from the United States Bureau of the Census on  
20 voting-age population, voter registration, and voting in  
21 the state, including precinct-level and census tract-level  
22 data as well as detailed maps reflecting such information.

23 (c) The site includes interactive software that  
24 enables any individual to design a redistricting plan for

1 the member state in accordance with the criteria described  
2 in Article IV.

3 (d) The site permits any individual to submit a  
4 proposed redistricting plan to the commission, and to  
5 submit questions, comments, and other information with  
6 respect to the commission's activities.

7 Article X - Public Hearings.

8 The commission shall operate in an open and transparent  
9 manner and shall solicit public feedback in drawing a plan. The  
10 commission shall hold public hearings in distinct geographic  
11 regions of the state according to population distribution at  
12 which members of the public may provide input, including  
13 submitting proposed redistricting plans. The commission shall  
14 hold at least one public hearing in each congressional district  
15 and shall hold the following minimum number of hearings:

16 (a) A member state with at least 3 congressional  
17 districts shall hold at least 6 hearings.

18 (b) A member state with no fewer than 3 but not more  
19 than 6 congressional districts shall hold at least 8  
20 hearings.

21 (c) A member state with no fewer than 6 but not more  
22 than 9 congressional districts shall hold at least 12  
23 hearings.

24 (d) A member state with no fewer than 9 but not more  
25 than 15 congressional districts shall hold at least 18

1           hearings.

2           (e) A member state with no fewer than 15 but not more  
3           than 20 congressional districts shall hold at least 22  
4           hearings.

5           (f) A member state with more than 20 congressional  
6           districts shall hold at least one hearing for each district  
7           plus 5 additional hearings.

8           Article XI - Public Notice.

9           (a) Hearings. Not fewer than 7 days before a public  
10          hearing, the commission shall issue public notice of the  
11          hearing time and location, including but not limited to  
12          posting the notice on the commission's website.

13          (b) Submission to legislature. Not fewer than 7 days  
14          before submitting a redistricting plan to the legislature,  
15          the commission shall issue public notice, including but not  
16          limited to posting the notice on the commission's web site.  
17          The notice shall contain the following information:

18                 (1) A detailed version of the plan, including a map  
19                 showing each congressional district established under  
20                 the plan and the voting-age population by race of each  
21                 district;

22                 (2) A statement providing specific information on  
23                 the commission's methodology for drawing the plan and  
24                 how the plan would serve the public interest;

25                 (3) Any dissenting statements of any members of the

1           commission who did not approve of submitting the plan  
2           to the legislature.

3       Article XII - Submission of Plan to Legislature.

4           The commission shall submit its redistricting plan to the  
5       legislature of the member state no later than June 1 of the  
6       year following a federal decennial census.

7       Article XIII - Consideration of Plan by Legislature.

8           After receiving any redistricting plan submitted by the  
9       commission, the legislature shall, by July 1 of the year  
10      following a federal decennial census:

11           (a) Approve the plan as submitted by the commission  
12      without amendment and forward the plan to the chief  
13      executive of the member state; or

14           (b) Reject the plan and provide a written statement to  
15      the commission explaining the reasons for rejecting the  
16      plan.

17      Article XIV - Enactment of Plan.

18           The enactment of the district map submitted by the  
19      commission shall occur in the capitol city of the member state  
20      no later than July 15 of the year following a federal decennial  
21      census. A redistricting plan developed by the commission shall  
22      be considered to be enacted into law if the plan is forwarded  
23      to the chief executive of the state and:

1           (a) The chief executive approves the plan as forwarded  
2           by the legislature without amendment; or

3           (b) The chief executive vetoes the plan and the  
4           legislature overrides the veto without amendment in  
5           accordance with the applicable law of the member state.

6           In the case of a member state in which the chief executive  
7           is prohibited under state law from acting on a redistricting  
8           plan, the plan developed by the commission shall be considered  
9           to be enacted into law if the legislature approves the plan as  
10          submitted by the commission without amendment.

11          Article XV - Failure to Enact Plan.

12          If the legislature rejects the plan submitted by the  
13          commission or the chief executive of the member state vetoes  
14          the plan and the legislature does not override the veto, the  
15          commission shall revise and modify the plan and resubmit it to  
16          the legislature no later than August 1 of the year following a  
17          federal decennial census. The legislature shall, as provided in  
18          Article XIII, either approve the plan without amendment and  
19          forward to the chief executive, or reject the plan and provide  
20          the commission with a written statement explaining the reasons  
21          for rejection, no later than August 15 of the year following a  
22          federal decennial census.

23          Article XVI - Judicial Review.

24          If a redistricting plan developed by the commission is not

1 enacted into law by September 1 of the year following a federal  
2 decennial census, the commission shall submit its  
3 redistricting plans to the highest court of the member state,  
4 which shall select one of the submitted plans to serve as the  
5 redistricting plan for the state no later than October 1 of the  
6 year following a federal decennial census. The court may not  
7 modify any redistricting plan submitted by the commission.

8 Article XVII - Other Laws.

9 Nothing in this agreement shall be construed, applied, or  
10 implemented in a way that imposes any requirement or obligation  
11 that conflicts with the United States Constitution or any  
12 federal law regarding redistricting congressional districts,  
13 including but not limited to the Voting Rights Act.

14 Article XVIII - Effective Date.

15 The several states are invited to concur in this agreement  
16 by enactment of a similar act. This agreement shall take effect  
17 when every state with three or more congressional districts at  
18 the time of redistricting has enacted this agreement in  
19 substantially the same form and the enactments by such states  
20 have taken effect in each state. It shall continue in effect if  
21 a member state with 3 congressional districts loses a district  
22 following a federal decennial census occurring after the  
23 agreement takes effect. If, following a federal decennial  
24 census occurring after the agreement takes effect, a non-member

1 state is entitled to an additional congressional district that  
2 would bring the non-member state's total number of  
3 congressional districts to 3 or more, the agreement shall be  
4 suspended until the non-member state enacts this agreement and  
5 the enactment takes effect.

6 The chief executive of each member state shall promptly  
7 notify the chief executive of all other states when this  
8 agreement has been enacted in that official's state or when the  
9 state has withdrawn from this agreement.

10 Article XIX - Withdrawal.

11 Any member state may withdraw from this agreement, except  
12 that a withdrawal occurring 6 months or less before a general  
13 election in which any member of Congress is on the ballot shall  
14 not become effective until after the election results are  
15 certified.

16 Article XX - Compliance.

17 A member state is not required to comply with this compact  
18 if:

19 (a) the commission of any member state fails to adopt a  
20 congressional redistricting plan; or

21 (b) the Attorney General of any member state determines  
22 that another member state has repealed, replaced, or failed  
23 to implement any aspect of this compact, including but not  
24 limited to failing to establish an independent

1           redistricting commission or failing to implement the  
2           district map adopted by the commission.

3   Article XXI - Severability.

4           If any provision of this agreement is held invalid, the  
5           remaining provisions shall not be affected.

6   Article XXII - Enforcement.

7           The agencies and officers of each member state and its  
8           subdivisions shall enforce this compact and do all things  
9           appropriate to effect its purpose and intent that may be within  
10          their respective jurisdictions, including but not limited to  
11          adopting any legislation or regulations necessary to implement  
12          this agreement.

13          Section 99. Effective date. This Act takes effect upon  
14          becoming law.".